

REMARKS

Claims 1-41 are pending in the application; the status of the claims is as follows:

Claims 1-30, and 34-41 are allowed.

Claims 31 and 32 are rejected under 35 U.S.C. § 101 because the invention as claimed is directed to non-statutory subject matter.

Claim 31 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention

Claim 33 is objected to as stated in the Office Action Summary. Applicants request confirmation as the objection to claim 33 is not described in the Office Action. In any case, Applicants have rewritten claim 33 in independent form, including the limitations of original claims 31 and 32 from which claim 33 depends.

The indication, in the Office Action, that the Examiner has no objections to the drawings filed on April 17, 2001, is noted with appreciation.

Claim 31 has been amended to indicate that the steps are performed using a computer system. These changes do not introduce any new matter.

Claim 33 has been amended to incorporate the limitations of claims 31 and 32 from which claim 33 depends. These changes are not necessitated by the prior art, are unrelated to the patentability of the invention over the prior art, and do not introduce any new matter.

35 U.S.C. § 112 Rejection

The rejection of claim 31 under the second paragraph of 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant(s) regard as the invention, is respectfully traversed based on the following.

Claim 31 has been amended to recite a method for determining compliance with a pricing model. The steps recited in claim 31, *i.e.*, estimating the first and second price and comparing the second price to an invoice price, are directed to determining compliance with the pricing model. Thus, the method of claim 31 can be utilized for the recited purpose of the invention, namely, to determine compliance with a pricing model.

Accordingly, it is respectfully requested that the rejection of claim 31 under the second paragraph of 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant(s) regard as the invention, be reconsidered and withdrawn.

35 U.S.C. § 101 Rejection

The rejection of claims 31 and 32 under 35 U.S.C. § 101 because the invention as claimed is directed to non-statutory subject matter, is respectfully traversed based on the following.

Claim 31 has been amended to require that the steps recited therein be performed using a computer system. Thus, Applicants submit that claim 31 is directed to statutory subject matter.

Claim 32 depends from amended claim 12 and contain all the limitations thereof. Thus, Applicants submit that claim 32 is also directed to statutory subject matter.

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Accordingly, it is respectfully requested that the rejection of claims 31 and 32 under 35 U.S.C. § 101 because the invention as claimed is directed to non-statutory subject matter, be reconsidered and withdrawn.

CONCLUSION

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment increases the number of independent claims by 1 from 5 to 6, does not increase the total number of claims and does not present any multiple dependency claims. Accordingly, a Response Transmittal and Fee Authorization form authorizing the amount of \$86.00 to be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260 is enclosed herewith in duplicate. However, if the Response Transmittal and Fee Authorization form is missing, insufficient, or otherwise inadequate, or if a fee, other than the issue fee, is required during the pendency of this application, please charge such fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.

Any fee required by this document other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

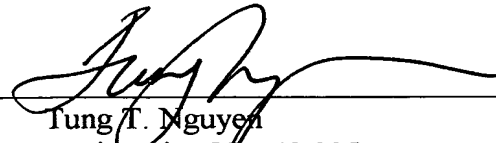
Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee,

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Respectfully submitted,

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